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UTILITY PATENT APPLICATION **TRANSMITTAL**

Attorney Docket No. First Inventor		030727.0037.CIP1	0		
		van Poelje	- P		
Title	A Combination	A Combination of FBPase Inhibitors and			
	Antidiabetic Ac	gents for the Treatment of D	iabe		

(Only for new nonprovisional applications under 37 CFR 1.53(b)) | Express Mail Label No. EL 675945544US Assistant Commissioner for Patents APPLICATION ELEMENTS ADDRESS TO: Box Patent Application See MPEP chapter 600 concerning utility patent application contents. Washington, DC 20231 Fee Transmittal Form (e.g., PTO/SB/17) CD-ROM or CD-R in duplicate, large table or 1. 7. (Submit an original and a duplicate for fee processing) Computer Program (Appendix) 2. Applicant claims small entity status. Nucleotide and/or Amino Acid Sequence Submission See 37 CFR 1.27. (if applicable, all necessary) 3. Specification Computer Readable Form (CRF) a. [Total Pages 389] (preferred arrangement set forth below) - Descriptive title of the invention Specification Sequence Listing on: Cross Reference to Related Applications CD-ROM or CD-R (2 copies); or i. Statement Regarding Fed sponsored R & D Reference to sequence listing, a table, ii. paper or a computer program listing appendix c. Statements verifying identity of above copies - Background of the Invention Brief Summary of the Invention **ACCOMPANYING APPLICATION PARTS** Brief Description of the Drawings (if filed) Assignment Papers (cover sheet & document(s)) 9. - Detailed Description - Claim(s) 37 CFR 3.73(b) Statement Power of 10. - Abstract of the Disclosure (when there is an assignee) Attorney English Translation Document (if applicable) 4. Drawing(s) (35 U.S.C. 113) [Total Sheets] 11. Information Disclosure Copies of IDS Oath or Declaration [Total Pages 4] 12. Statement (IDS)/PTO-1449 Citations Newly executed (original or copy) 13. Preliminary Amendment Copy from a prior application (37 CFR 1.63 (d)) Return Receipt Postcard (MPEP 503) b. 14. (for continuation/divisional with Box 18 completed) (Should be specifically itemized) **DELETION OF INVENTOR(S)** Certified Copy of Priority Document(s) (if foreign 15. Signed statement attached deleting inventor(s) named in the pnor application, see 37 CFR 1.63(d)(2) and 1.33(b). priority is claimed) Request and Certification under 35 U.S.C. 122 6. Application Data Sheet, See 37 CFR 1.76 16. (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. Other: If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: Continuation Divisional Continuation-in-part (CIP) of prior application No.: 60216,531/ Prior application information: Examiner Group Art Unit: For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. 19. CORRESPONDENCE ADDRESS 23865 Customer Number or Bar Code Label Correspondence address below (Insert Customer No. or Attach bar code label here, Name Richard H. Pagliery Brobeck, Phleger & Harrison LLP Address 12390 El Camino Real City San Diego State CA Zip Code 92130-2081 Country USA Telephone 858/720-2500 Fax 858/720-2555

Name (Print/Type)	Richard H. Pagliery	Registration No. (Attorney/Agent)	44,276
Signature	Rula Parlin	Date	July 5, 2001

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NEW UTILITY APPLICATION

UNDER 37 CFR § 1.53(b)

TITLE:

A COMBINATION OF FBPASE INHIBITORS AND ANTIDIABETIC AGENTS FOR THE TREATMENT OF DIABETES

APPLICANT(S):

Paul D. van Poelje; Mark D. Erion; Toshihiko

Fujiwara

CORRESPONDENCE ENCLOSED:

Utility Patent Application Transmittal (1 pg); Fee Transmittal (1pg); Specification and claims (389 pgs); Abstract (1pg); Grant of Power of Attorney from Sankyo (2 pgs); Grant of Power of Attorney from Metabasis (2 pgs); Assignment from Fujiwara to Sankyo & Recordation Form Cover Sheet (4 pgs); Assignment from van Poelje & Erion to Metabasis & Recordation Form Cover Sheet (5 pgs); Declaration of Inventorship (2 documents/4 pgs); check in the amount of \$3,000.00

"EXPRESS MAIL" Mailing Label Number <u>EL 675945544 US</u> Date of Deposit <u>July 5, 2001</u> I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Dulcie Donoso-Fontt

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Approved for use through 10/31/2002. OMB 0651-0032

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

SUBTOTAL (2)

**or number previously paid, if greater; For Reissues, see above

(\$)2966.00

Complete if Known

Application Number To be assigned

Filing Date Herewith

First Named Inventor van Poelje

Examiner Name To be assigned

Group Art Unit To be assigned

TOTAL AMOUNT OF PAYMENT (\$)3756.00 Attorney Docket No. 030727.0037.CIP1 FEE CALCULATION (continued) METHOD OF PAYMENT 1.

The Commissioner is hereby authorized to charge indicated 3. ADDITIONAL FEES Small Large Deposit Entity Entity Account Fee Fee Fee Fee **Fee Description** Fee Paid Number Code Code (\$) (\$) 105 130 205 65 Surcharge - late filing fee or oath Deposit Surcharge - late provisional filing fee or Account Brobeck, Phleger & Harrison LLP 127 50 227 cover sheet Name Charge Any Additional Fee Required Under 37 CFR 1 16 and 1.17 130 130 Non-English specification 139 139 147 2,520 147 2,520 For filing a request for ex parte reexamination Applicant claims small entity status. See 37 CFR 1 27 Requesting publication of SIR prior to 112 920* 112 2. X Payment Enclosed: Examiner action ☐ Credit card ☐ Money Order ☐ Other 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action **FEE CALCULATION** 115 110 215 55 Extension for reply within first month **BASIC FILING FEE** Entity Small **Entity** 116 390 216 195 Extension for reply within second month Large Fee Paid Fee Description Fee Fee Fee Fee 890 217 Extension for reply within third month Code (\$) Code (\$) 1,390 218 695 Extension for reply within fourth month 710.00 118 101 710 201 355 Utility filing fee Extension for reply within fifth month 106 320 206 160 Design filing fee 128 1.890 228 945 107 490 207 245 Plant filing fee 119 310 219 155 Notice of Appeal 355 Reissue filing fee 108 710 208 310 220 Filing a brief in support of an appeal 120 75 Provisional filing fee 150 114 214 270 Request for oral hearing 221 SUBTOTAL (1) (\$)710.00 1.510 Petition to institute a public use proceeding 138 1.510 138 2. EXTRA CLAIM FEES 140 110 240 Petition to revive - unavoidable Petition to revive - unintentional Fee from 1.240 241 620 Fee Paid Extra Claims below 142 1,240 242 620 Utility issue fee (or reissue) Total Claims 152 -20** = 132 18.00 2376 00 440 243 220 Design issue fee 143 Independent 320 00 Claims 80 00 600 244 300 Plant issue fee 144 270 00 270.00 Multiple Dependent 122 130 122 130 Petitions to the Commissioner Large Entity Small Entity 123 50 123 50 Processing fee under 37 CFR 1.17(q) Fee Fee Fee Fee Description Fee 126 180 126 180 Submission of Information Disclosure Stmt Code (\$) Code (\$) Recording each patent assignment per 581 40 581 203 9 103 18 Claims in excess of 20 80.00 property (times number of properties) 102 80 202 40 Independent claims in excess of 3 146 710 246 Filing a submission after final rejection 104 270 204 135 Multiple dependent claim, if not (37 CFR § 1 129(a)) paid For each additional invention to be 149 710 249 209 109 80 ** Reissue independent claims examined (37 CFR § 1.129(b)) over original patent 179 710 279 Request for Continued Examination (RCE) ** Reissue claims in excess of 20 110 18 210 Request for expedited examination of a 169 900 169 and over original patent

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Richard H. Pagliery	Registration No (Attorney/Agent)	44,276	Telephone	(858) 720-2500
Signature	Rielian Paylin			Date	July 5, 2001

Other fee (specify)

*Reduced by Basic Filing Fee Paid

design application

(\$)80.00

SUBTOTAL (3)

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